

**Minutes of 929<sup>th</sup> Meeting of the  
Town Planning Board held on 6. 2.2009**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr. Raymond Young

Chairman

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Hon. Starry W.K. Lee

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Principal Assistant Secretary (Transport)  
Transport and Housing Bureau  
Mr. Tony C.T. Lam

Director of Lands  
Miss Annie K.L. Tam

Deputy Director of Environmental Protection  
Mr Benny Y.K. Wong

Director of Planning  
Mrs. Ava S.Y. Ng

Deputy Director of Planning/District  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Alfred Donald Yap

Mr. Raymond Y.M. Chan

Mr. K.Y. Leung

Professor Edwin H.W. Chan

Mr. Maurice W.M. Lee

Dr. Ellen Y.Y. Lau

Dr. Winnie S.M. Tang

Assistant Director (2), Home Affairs Department  
Mr. Andrew Tsang

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse

Senior Town Planner/Town Planning Board  
Mr. J.J. Austin

**Agenda Item 1**

[Open Meeting]

**Confirmation of Minutes of the 928<sup>th</sup> Meeting held on 16.1.2009**

[The meeting was conducted in Cantonese.]

1. The minutes of the 928<sup>th</sup> meeting held on 16.1.2009 were confirmed without amendment.

[Mr. Benny Y.K. Wong and Mr. David W.M. Chan arrived to join the meeting at this point.]

**Agenda Item 2**

[Closed Meeting]

2. This item was recorded under confidential cover.

**Agenda Item 3**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/H5/375

Proposed Commercial Bathhouse and Massage Establishment in “Commercial/Residential” zone, Portion of G/F to 2/F, 29 Burrows Street, Wah Tao Building, Wan Chai

**(TPB Paper No. 8292)**

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[The hearing was conducted in Cantonese.]

3. The following representatives from Planning Department (PlanD), and the applicant and her representative were invited to the meeting at this point:

Ms. Brenda Au	-	District Planning Officer/Hong Kong, PlanD
Ms. Donna Tam	-	Senior Town Planner/Hong Kong, PlanD
Ms. Kan Fung Yee	-	Applicant
Ms. Koo Nga Mei	-	Applicant’s representative

4. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Ms. Brenda Au to brief Members on the background to the application.

[Ms. Annie K.L. Tam and Dr. Daniel B.M. To arrived to join the meeting at this point.]

5. With the aid of a Powerpoint presentation, Ms. Brenda Au made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a proposed commercial bathhouse and massage establishment at the application site which was zoned “Commercial/Residential” (“C/R”) on the Wan Chai Outline Zoning Plan;
- (b) on 10.10.2008, the Metro Planning Committee rejected the application for the reasons that the proposed commercial bathhouse and massage establishment was not compatible with the residential developments and open space and community uses in the neighbourhood as well as the residential use within the same building, the proposed use did not comply with Town Planning Board Guidelines No. 14B in that there were strong local objections on the grounds of land use incompatibility, adverse impacts to the tranquil environment, and setting of undesirable precedent;
- (c) justifications in support of the review application had been submitted by the applicant and were set out in paragraph 3 of the Paper;
- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. Except for some comments on the technical issues, the concerned Government departments had no objection to the application;
- (e) public comments – during the statutory publication period of the review application, 1,796 comments were received out of which 1,774 objected

to the proposal. During the publication of the section 16 planning application, 1,925 objections were also received. The grounds of objection were mainly that the proposed use was not compatible with the residential and religious uses within the same building and with the surrounding tranquil environment. There were also concerns on illegal and vice activities which would have a bad influence on students and youngsters in the area, and that the proposed use would generate adverse traffic impact and road safety problems as the streets abutting the application site were narrow and congested with school buses during peak hours; and

- (f) PlanD's views – PlanD did not support the application based on the assessment in paragraph 7 of the Paper. The proposed use was not compatible with the residential use within the same building as there might be concern on possible nuisance to the residents as the entrances for the residential portion and the application premises were very close to each other. It was also not compatible with the surrounding tranquil environment which was predominantly occupied by residential developments, schools, community facilities, and open space. Moreover, the proposal did not comply with Town Planning Board Guidelines No. 14B as there were strong local objections to the proposal in respect of the incompatible land use, and adverse impacts on the existing tranquil environment.

[Prof. Bernard V.W.F. Lim arrived to join the meeting at this point.]

6. The Chairman then invited the applicant's representative to elaborate on the application and Ms. Koo Nga Mei made the following main points:

- (a) the applicant had been operating a massage establishment for 6 years and her company had a clean record. About 100 professional masseuses and 60 other staff were employed. The massage establishment had never been suspected or prosecuted for involvement in vice activities;

- (b) the applicant had rented the application premises several months ago for relocation of her existing business which had only been granted a 3-month extension to the tenancy agreement at the existing premises;
- (c) the failure of obtaining planning approval to the application would lead to the closing down of her business and loss of employment for her staff;
- (d) the objectors had a biased view towards the nature of massage establishments. The customers of her massage establishment were all from the upper class; and
- (e) contrary to the claims of the objectors, the massage establishment would in no way cause any noise nuisance to its surroundings.

7. Members had the following questions:

- (a) whether the applicant could confirm that illegal activities had never taken place in the massage establishment currently operated;
- (b) what were the operating hours and number of customers of the massage establishment and when were the peak hours of the business;
- (c) whether the massage establishment under application was already operating at the application premises;
- (d) whether an alternative location had been sought for the proposed massage establishment; and
- (e) how many schools were in the vicinity and their distance from the application premises.

8. In response to Members' questions (a) to (d) above, Ms. Koo Nga Mei made the following points:

- (a) the existing massage establishment had never been involved in any vice activities;

[Mr. Y.K. Cheng arrived to join the meeting at this point.]

- (b) the operating hours were from 2 p.m. to 5 a.m. and they had about 120 to 130 customers every day. The peak hours were during the day time before 8 p.m. with about 100 customers arriving before that time. From 8 p.m. to midnight, the patronage dropped to about 30 customers and there were only a few customers after midnight;
- (c) the massage establishment was currently operating at Elizabeth House in Causeway Bay and the application premises was currently vacant; and
- (d) the applicant had considered several other premises in North Point which were considered not suitable as her customers might not continue their patronage if the massage establishment was moved to a location far away from the existing one. The application premises was preferred because it had an entrance separated from that of the residential portion of the building and a relatively high ceiling height, which made it look spacious. The applicant intended to set up the largest massage establishment in Hong Kong at this location.

9. Ms. Koo Nga Mei further indicated that the applicant had already entered into a 10-year tenancy agreement with the landlord and that the proposed massage establishment would help boost the local economy as it would encourage people to spend their money locally instead of going to the Mainland for massage services.

[Ms. Maggie M.K. Chan left the meeting at this point.]

10. In response to Members' question (e) above, Ms. Brenda Au explained that there were 3 schools in the immediate neighbourhood and it was due to their close proximity to the application premises that aroused the concern of parents and school principals on the possible adverse impact of the application.



11. Ms. Kan Fung Yee commented that the views expressed by the District Officer (Wan Chai) were unfair to the applicant as the District Officer had not provided his professional views on the proposal but only relayed the objections of the local people who might not be reasonable.

12. As the representatives of the applicants had no further comment to make and Members had no further questions, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the applications in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the representatives of PlanD and the applicant and her representative for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

13. A Member commented that it was the applicant's own commercial decision to have entered into a 10-year tenancy agreement with the landlord without first obtaining planning permission for massage establishment use at the subject premises. Another Member commented that the strong local objection to the proposal was understandable as the application site fell within an area characterized by G/IC uses including schools. Since schools and religious institutions were respectively located in the vicinity and within the same building of the application premises, the proposal was not compatible with its surroundings and should not be approved.

14. A Member, however, expressed support for the proposal as it would encourage businesses to stay in Hong Kong, provide employment opportunities and benefit the local economy. Besides, the application premises was appropriate as it was within a composite residential/commercial building and the peak hours of the business were in the early evening rather than at late night. This Member did not see how the proposed use would affect the primary school students in the schools nearby and considered that the Board should not give too much weight to the local objections. Another Member also supported the proposal and said that the Board should not hold a biased view on massage establishments. This Member noted that training courses for masseurs/masseuses were provided by many Government-sponsored institutes for retraining. To address the local concerns, the Board

might request the applicant to operate the massage establishment in a low-key manner by restricting the posting of advertisement signboards.

15. Two Members clarified that they did not have a biased view on the business nature of massage establishments. One of them was concerned that approving this application would open the flood-gate for other massage establishments to proliferate in the area as the application premises was in a predominantly residential neighbourhood. Besides, this Member said that once an approval was granted, it would be tied to the premises and thus difficult to control the future operation of the approved use. This view was shared by another Member who was concerned about the applicant's intention to develop the largest massage establishment in Hong Kong at an inappropriate location. This Member considered that the potential land use conflict should be avoided.

16. A Member considered that massage establishments were not necessarily vice dens. Spa and massage centres were very popular nowadays and they did offer a place for relaxation. This Member considered that the application premises was suitable for the proposed use as it was well enclosed within the building and not visible from the outside. It would unlikely have any adverse effect to the nearby primary school students who would not be allowed to enter the massage establishment. Another Member, however, pointed out that there were two secondary schools located nearby. This Member was of the view that the proposed massage establishment might have an adverse impact on the secondary schools nearby. A third Member questioned whether it was suitable to permit a massage establishment in a residential and school district, given that once an approval was granted, it would not be withdrawn.

17. One Member said that the most important factor which the Board should consider was the planning intention of the area surrounding the application premises, which was predominantly a residential area and a school district. The massage establishment would unavoidably attract more people and traffic into the area at night time and hence might cause nuisance to the residents. From the planning point of view, the application should not be supported. The applicant's claim that the Board was biased against massage establishments was unsubstantiated as approval had been given to many massage establishment applications elsewhere, e.g. in Wan Chai. The applicant's other justifications such as the long tenancy term and the continued employment of existing staff

were irrelevant considerations. Two other Members agreed with this Member's views.

18. Another Member asked whether Wood Road instead of Wan Chai Road should be used as a boundary to delineate the neighbourhood of the subject application premises. Since the application premises used to be a cinema where busy night activities took place, this Member opined that the area should not be regarded as a quiet residential area. This Member considered that the application premises was not unsuitable for use as a massage establishment as a separate entrance was provided.

[Hon Starry W.K. Lee and Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

19. The Chairman noted that most Members did not support the application although a few other Members were sympathetic. He said that Members had to consider whether the applicant's justifications were valid. The Board had never had any biased views towards massage establishments and many such applications had been approved previously. For the subject application, even if planning approval was not granted, the applicant could look for another location for her business. The Chairman also noted that the application premises was located away from the main commercial area in Wan Chai (north of Wan Chai Road) and the application site was in a predominantly residential area and school district. Even using Wood Road as a delineation, the site still fell on the southern side of Wood Road. The Chairman concluded that most Members agreed that the proposed development at the application premises was unsuitable.

20. After further deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the proposed commercial bathhouse and massage establishment was not compatible with the residential developments and open space and community uses in the neighbourhood;
- (b) the proposed use did not comply with the Town Planning Board Guidelines No. 14B in that there were strong local objections to the proposed development in respect of land use compatibility and the adverse impacts on the tranquil environment in the area; and

- (c) the approval of the subject application would set an undesirable precedent for similar applications in this locality.

**Agenda Item 4**

[Open Meeting]

Review of Application No. A/YL-TT/230 (Request for Deferral)

Proposed Temporary Animal Boarding Establishment (Kennel) with Ancillary Dog Recreational Facilities for a Period of 3 Years in "Village Type Development" zone, Lots 24 RP (Part), 26 RP (Part) and 28 RP (Part) in D.D. 118 and Adjoining Government Land, Tai Tong Road, Hung Tso Tin Tsuen, Yuen Long

**(TPB Paper No. 8293)**

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[The hearing was conducted in Cantonese.]

21. The Secretary reported that the applicant submitted a request for deferment of consideration of the review application for one month so as to allow time for the applicant to prepare the relevant documentation for the review hearing. The request for deferment met the criteria set out in Town Planning Board Guidelines No. 33 in that the applicant needed more time to prepare documentation for the review hearing, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

22. After further deliberation, the Board decided to agree to the request for deferment for one month and that the application would be submitted to the Board for consideration at its meeting on 6.3.2009, as requested by the applicant. The Board also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

**Agenda Item 5**

[Closed Meeting]

Review of Application No. A/YL-LFS/137

Proposed Religious Institution (Temple) in "Recreation" zone, Lots 1836, 1840, 1863, 1864 (Part), 1865, 1866, 1867, 1868, 1869, 1870 and 1871 in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long

**(TPB Paper No. 8294)**

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[The hearing was conducted in Cantonese.]

Presentation and Question Session

23. The Secretary reported that Dr. James C.W. Lau had declared interests in this item as he had current business dealings with Hyder Consulting Ltd, which was a consultant for the applicant. Members noted that Dr. James C.W. Lau had left the meeting.

24. The following representatives from Planning Department (PlanD), and the applicant's representative were invited to the meeting at this point:

Ms. Paulina Kwan	-	District Planning Officer/Tuen Mun & Yuen Long, PlanD
Mr. Anthony Lee	-	Senior Town Planner/Tuen Mun & Yuen Long, PlanD
Mr. P.K. Chung	-	Applicant's representative
Mr. S.K. Ngai	-	Applicant's representative

25. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Ms. Paulina Kwan to brief Members on the background to the application.

[Mr. B.W. Chan left the meeting at this point.]

26. With the aid of a Powerpoint presentation, Ms. Paulina Kwan made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a proposed temple development for the worship of Kwun Yum at the application site which was zoned "Recreation" ("REC") on the Lau Fau Sha and Tsim Bei Tsui Outline Zoning Plan;

- (b) the application was submitted before the commencement of the Town Planning (Amendment) Ordinance and had been deferred eight times. On 10.10.2008, the Rural and New Town Planning Committee rejected the application for the reasons that the proposed development was not in line with the planning intention of “REC” zone which was intended primarily for recreational development for the use of the general public, and that approval of the application would set an undesirable precedent, the cumulative impacts of which would result in a further degradation of the environment of the area;
- (c) justifications in support of the review application had been submitted by the applicant and were set out in paragraph 3 of the Paper;
- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The District Officer (Yuen Long) indicated that six out of the nine previous objectors maintained their objection to the proposal on the grounds of land use incompatibility, adverse fung shui and traffic impacts, disturbance to the tranquil living environment, and concern on the possible conversion of the temple into a columbarium. The Commissioner for Tourism (C for Tourism) commented that there was potential for the proposed temple development to form a cluster with attractions in the vicinity, if proper vehicular access to the site was available; and
- (e) PlanD’s views – PlanD did not support the application based on the assessment in paragraph 6 of the Paper. The proposed temple development was not in line with the planning intention of the “REC” zone. The sole vehicular access to the site, i.e. Deep Bay Road, was a single lane carriageway for two-way traffic and there would be traffic concerns if the proposed temple development was to attract a significant amount of tourists to the area. The approval of the application would set an undesirable precedent for similar applications, the cumulative impact of which would result in a degradation of the environment.

[Ms. Anna S.Y. Kwong left the meeting at this point.]

27. The Chairman then invited the applicant's representative to elaborate on the application and Mr. P.K. Chung made the following main points:

- (a) the fact that the relevant Government departments did not raise any technical objections to the proposed temple development demonstrated that the proposal would not cause any adverse impact to its surroundings. Indeed, C for Tourism supported the proposal as it could form a cluster with the other existing attractions in the vicinity;
- (b) PlanD's concern on the adequacy of Deep Bay Road to serve as the main access road was not justified as the applicant had submitted a traffic impact assessment (TIA) which was accepted by Transport Department (TD). The TIA had already taken into account the peak hour traffic generated by other existing attractions including Tsim Bei Tsui and Wan Fau Sin Koon which used Deep Bay Road as their main access;
- (c) the TIA had taken into account the eight passing bays that were available along Deep Bay Road from the Lau Fau Shan roundabout to the application site and, even on the assumption that all these passing bays were taken up by vehicles, the traffic delay would be minimal;
- (d) on the visual impact of the main temple with a building height of 15.1m, the applicant had proposed to provide perimeter tree plantings to screen the temple building and this was considered acceptable from the urban design point of view, as given in paragraph 5.4.6(g) of the Paper;
- (e) unlike other developments in the area which were illegal and causing degradation to the environment, the proposed development would improve the overall landscape quality of the area, as shown in the master landscape plan;

- (f) similar to some overseas religious developments, the proposed temple development would become a tourist attraction, providing a form of passive recreational facility. This would be in line with the planning intention of the “REC” zoning of the site where ‘passive recreation’ and ‘tourism’ developments were encouraged. The proposal would also provide an impetus for cultural development;
- (g) ‘shrine’ was originally a Column 1 use under the OZP and was only subsumed under ‘Religious Institution’ and placed under Column 2 of the Notes of the “REC” zone in 2004, probably with an intention to provide control over any adverse impacts arising from such developments. As no Government department indicated any technical objection to the proposal, this proved that the application would not bring about any adverse impacts; and
- (h) the proposal was supported by the Ping Shan Rural Committee and C for Tourism.

28. A Member noted that about half of the site fell within the Lau Fau Shan Archaeological Site and enquired about the archaeological value of the site and its implications on the proposal. In response, Ms. Paulina Kwan explained that the Antiquities and Monuments Office (AMO) did not indicate any details on the archaeological value of the site. The AMO only suggested imposing an approval condition requiring the applicant to conduct a detailed archaeological investigation to assess the archaeological impact of the proposed works at the site before the commencement of any construction works should the application be approved. Indeed, this was a common practice adopted by AMO for developments falling within archaeological sites in the New Territories. Mr. S.K. Ngai supplemented that the AMO had an established set of procedures on how proposed developments on archaeological sites, which were generally scattered in the New Territories, should be handled. For any development proposal within an archaeological site, the developers would be required to conduct archaeological investigations before any construction works commenced. These procedures would ensure that the archaeological value of the site would not be adversely affected.



29. A Member enquired whether the TIA conducted by the applicant was based on an assumption that the future development was a temple or a tourist attraction and whether the TIA had assessed the cumulative traffic impact as stated in TD's comment in paragraph 8.1.2 of Annex A of the Paper. In response, Ms. Paulina Kwan explained that the applicant claimed that the proposed temple development would only attract the same tourists currently visiting Tsim Bei Tsui and Wan Fau Sin Koon. On the point of cumulative traffic impact, the applicant submitted supplementary information before the RNTPC meeting in response to TD's comments and explained that no further traffic impact assessment was required as there were no known and committed developments in the area. Mr. P.K. Chung further explained that the TIA had already taken into account the traffic flow from Wan Fau Sin Koon which was similar to the proposed development as a temple and a tourist attraction. Mr. Chung confirmed that the applicant's traffic consultant did not find any known and committed development in the area for further traffic assessment. He added that the TIA was accepted by TD.

[Mr. Benny Y.K. Wong left the meeting at this point.]

30. The same Member commented that it might not be appropriate to use the traffic flow from Wan Fau Sin Koon in the TIA as the traffic flow might increase when the proposed temple development became a popular tourist destination. In response, Mr. S.K. Ngai explained that the proposal was a temple development though it had potential to become a tourist attraction. As advised by C for Tourism, the proposed temple development would form a cluster with other attractions in the vicinity. It was unlikely that the temple itself would attract a large number of visitors. In this regard, the development of the temple itself would not generate additional traffic at Deep Bay Road. He confirmed that the submitted TIA was based on an assumption that the proposed use was a temple development.

[Mr. Edmund K.H. Leung left the meeting at this point.]

31. In response to a Member's enquiry on the type of religion, Mr. S.K. Ngai explained that the temple would be for the worship of Kwun Yum which was of the Buddhist religion and that the applicant was not itself a religious body.

32. The same Member commented that the GFA of the temple as quoted in the submission appeared to be grossly under-estimated, judging from the size of the footprint as shown on the submitted layout plan and the section drawing showing a development of more than one level. This Member stated that the use of the different floors was not clear. Comparatively speaking, the proposed temple was considered a large-scale development. Given the above, this Member suspected that the TIA had significantly under-estimated the traffic impact generated, particularly when only one lay-by and 6 car parking spaces were provided for the main temple. In response, Mr. S.K. Ngai said that the applicant used the traffic data of Wan Fau Sin Koon as the proposed temple was very similar in nature and size to Wan Fau Sin Koon. Regarding this Member's concern on the large size of the proposed temple, he said that the temple was only about 15m in height for accommodating the Kwun Yum statue and such a size was not massive as compared with the Kwun Yum statue at the proposed Tsz Shan Monastery in Tai Po. As the proposal under application was still at the conceptual design stage, the detailed GFA calculation was not yet available. Mr. Ngai further said that the planning approval was only the first step of the proposed development, and the applicant would need to apply for land exchange and building plan approval to implement the proposed development. Hence, the GFA of the development would be closely scrutinized by the relevant Government departments.

[Mr. David W.M. Chan left the meeting at this point.]

33. Ms. Annie Tam noted that the Wan Fau Sin Koon was currently under a short term tenancy (STT). She enquired whether the applicant intended to apply for a separate STT, extend the existing STT to cover the subject application, or apply for a land exchange. She also enquired what would happen if Government did not agree to give the applicant a more permanent form of land holding. In response, Mr. S.K. Ngai said that the applicant was also the owner of Wan Fau Sin Koon and had applied for land exchange for the Wan Fau Sin Koon site, but had faced some difficulties. For the application site, the owner would apply for a separate land exchange. Should Government reject their application for land exchange, the proposal would likely fall through.

[Prof. Bernard V.W.F. Lim and Mr. Felix W. Fong left the meeting at this point.]

34. A Member enquired and Mr. S.K. Ngai replied that there were currently some

areas for placing ancestral tablets within the Wan Fau Sin Koon development. For the application site, it was not yet determined whether such areas would also be provided. He, however, assured the Board that there would not be columbarium development within the proposed temple.

[Hon Starry W.K. Lee and Mr. Leslie H.C. Chen left the meeting at this point.]

35. Ms. Paulina Kwan supplemented that planning permission had been granted for columbarium use at the Wan Fau Sin Koon site but there was no indication on the provision of areas for placing ancestral tablets. She also indicated that according to the information provided by C for Tourism, the ‘one-day tour’ currently available did not include Wan Fau Sin Koon as a tourist destination. In this regard, Members might wish to consider if the traffic impact was under-estimated should the temple development become a tourist attraction.

36. As the representatives of the applicant had no further comment to make and Members had no further questions, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the applications in their absence and inform the applicant of the Board’s decision in due course. The Chairman thanked the representatives of PlanD and the applicant’s representatives for attending the meeting. They all left the meeting at this point.

### Deliberation Session

37. A Member was concerned that only 6 car parking spaces were provided for the development. This Member considered that the TIA had seriously under-estimated the traffic impact if the temple development became a tourist attraction. Another Member expressed reservation on the proposal as the TIA was based on the existing traffic flow to Wan Fau Sin Koon and had not assessed the future scenario when the temple became a tourist attraction.

38. Two Members raised concern on whether the temple development would be operated by a religious institution or a private party. The Chairman explained that there was no particular restriction on the operator of a temple and that was not a relevant

consideration in the subject case.

39. A Member commented that since ‘Religious Institution’ was a Column 2 use under the “REC” zone, it might not be appropriate to reject the application for the reason that it was not in line with the planning intention of the “REC” zone. The main concern should be on the traffic impact generated by the development. This Member considered that the existing capacity of Deep Bay Road was already inadequate during peak periods and he doubted whether the traffic flow generated by the proposed development could be accommodated.

40. A Member agreed that traffic impact was a concern. However, this Member noted that Deep Bay Road was relatively straight with the provision of passing bays and the adverse traffic impact might not be critical. Another Member considered that the traffic demand might have been under-estimated as the TIA submitted by the applicant was conducted based on the assumption that it was a temple development rather than a tourist attraction.

41. One Member pointed out that the infrastructure of the Lau Fau Shan area in general was inadequate to support a development of the proposed scale. This Member also noted that there were local objections to the proposal which should also be taken into account.

42. On the archaeological aspect, a Member said that there was insufficient information on the archaeological value of the site. Another Member explained that it was not a major concern for this type of applications as the AMO would require the developer to carry out a conservation plan before commencement of the development. This Member opined that since the proposal was in line with the planning intention for tourism/eco-tourism development and C for Tourism supported the application, the development should be allowed to proceed. The Board could impose conditions to the planning permission if it had concerns about the inadequate provision of car parking spaces.

43. Mr. Tony Lam said that although TD noted the applicant’s claim that no information on known and committed developments were available for incorporation into the TIA, TD remained concerned on the possible cumulative traffic impact on Deep Bay

Road. In view of unclear information such as the GFA of the proposed development and Members' concern on the traffic flow when the temple development became a tourist attraction, he considered it prudent to request the applicant to submit further information for Members' consideration.

44. Mrs. Ava Ng commented that since the information on the total GFA and the traffic assumption was not clear, the applicant could be requested to clarify the technical aspects of the proposal.

45. In sum, the Chairman noted that Members generally had concern on the traffic impact of the proposal, especially when the applicant claimed that it would become a tourist attraction. Members also noted that the total GFA and specific use of spaces within the proposed temple development was unclear. In view of the above, Members agreed that the applicant should be asked to provide further information to address Members' concerns.

46. After further deliberation, the Board decided to defer consideration of the application and requested the applicant to provide further information and to liaise with Transport Department to address Members' concerns on the traffic impact generated by the proposed development on the surrounding area.

### **Agenda Item 6**

[Closed Meeting]

Submission of the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/16A to the Chief Executive in Council for Approval under Section 8 of the Pre-Amended Town Planning Ordinance

### **(TPB Paper No. 8296)**

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[The meeting was conducted in Cantonese.]

47. The Secretary briefly introduced the paper.

48. After deliberation, the Board:

- (a) agreed that the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/16A together with its Notes at Annex A and Annex B of the Paper were suitable for submission under section 8 of the pre-amended Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/16A at Annex C of the Paper as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES for the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/16A was suitable for submission to CE in C together with the draft OZP.

**Agenda Item 7**

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

49. There being no other business, the meeting was closed at 11:30 a.m.